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EXAMINER

CARTER, CANDICE D

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/689,290	Applicant(s) BRYANT, JOHN	
	Examiner CANDICE D. CARTER	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/5/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is a First Action Non-Final on the merits. Claims 1-51, as originally filed, are currently pending and have been considered below.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-31 and 48-51 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 is a method for generating a risks assessment for a project comprising the steps of providing a series of databases, selecting a project from one of the databases, answering a question, and selecting and viewing a risk from one of the databases. Examiner contends that claim 1 is a nominal use of technology wherein no information is being processed; therefore, the claimed invention does not fall within one of the four statutory categories (process, machine, manufacture, or composition of matter).

Claims 2-19 are dependent upon claim 1, incorporate the limitations of claim 1 as recited, and are, therefore, rejected using the same rationale as set forth above.

Claim 20 is a system for generating a risks assessment for a project comprising the steps of providing a series of databases, a first and second dialog mechanism, an association engine, and a display. Examiner contends that claim 20 is a nominal use of technology wherein no information is being processed; therefore, the claimed invention

does not fall within one of the four statutory categories (process, machine, manufacture, or composition of matter).

Claims 21-31 are dependent upon claim 20, incorporate the limitations of claim 20 as recited, and are, therefore, rejected using the same rationale as set forth above.

Claim 48 is a method for generating a risks assessment for a project comprising the steps of providing a series of databases. Examiner contends that claim 48 is a nominal use of technology wherein no information is being processed; therefore, the claimed invention does not fall within one of the four statutory categories (process, machine, manufacture, or composition of matter).

Claims 49-51 are dependent upon claim 48, incorporate the limitations of claim 48 as recited, and are, therefore, rejected using the same rationale as set forth above.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. **Claim 50 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.**

Claim 50 recites the limitation "the analysis tool allows for statistical mapping of a completed risk and an uncompleted risk". This is not described in the specification in such a way as to enable a person of ordinary skill in the pertinent art to accomplish this task. It is unclear how the analysis tool would perform the statistical mapping. The disclosure lacks direction in how to perform the statistical mapping, and how the analysis tool is used to accomplish this task. The claims are indefinite for failure to distinctly claim the statistical mapping, thereby making it impossible to complete the step as recited. The concept of using a graphical analysis tool for statistical mapping of a completed risk and an uncompleted risk is not necessitated by the prior art and one skilled in the art would be unable to complete this step

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 20-39, and 50 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 20 recites the limitation "dialog mechanism". Examiner is unsure what Applicant means by the limitation in this claim. Appropriate clarification is required.

Claim 20 also recites the limitation "association engine". Examiner is unsure what Applicant means by the limitation in this claim. Appropriate clarification is required.

Claims 21 -31 are dependent upon claim 20 and are, therefore, rejected using the same rationale as set forth above.

Claim 31 contains the trademark/trade name WebSpeed ®. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe software that is used to design the system and, accordingly, the identification/description is indefinite.

Claim 32 recites the limitation "dialog box". Examiner is unsure what Applicant means by the limitation in this claim. Appropriate clarification is required.

Claims 33-39 are dependent upon claim 32 and are, therefore, rejected using the same rationale as set forth above.

Claim 35 recites the limitation "the first graphical display" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 50 recites the limitation "statistical mapping". Examiner is unsure what Applicant means by the limitation in this claim. Appropriate clarification is required.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-6, 9, 12, 15, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phelps et al. in view of Bowman-Amuah (2001/0052108).

As per claim 1, Phelps et al, discloses “A method for generating a risks assessment for a project, the method comprising the steps of: providing a system comprising:

a project database having at least one project” (¶ 31 discloses a risk assessment database with a project table, where this is a project database),

“a risk database containing at least one risk” (¶ 31 discloses a risk assessment database with a risk data table, where this is a risk database),

“selecting a project from the project database” (Fig. 1, discloses selecting which project to complete the risk assessment on, where the selection of the project is done by inserting the project name ID#);

“answering a question wherein the question relates to a project” (Figs 3 and 4 disclose answering questions for the risk assessment);

“selecting a risk from the risk database related to the answer and viewing the risk” (Fig. 2, discloses selecting the type of risk review, where the subsequent questions asked and answers are related to the type of risk and risk review).

Phelps et al., however, fails to explicitly disclose “a question database having a question relating to the project”.

It would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system for assessing the risk of projects of Phelps et al. to include a questions database in order to store the different questions that are asked that are associated with the risk data that is already stored in a database.

Phelps et al. also fails to disclose “a contact database containing at least one contact”. Bowman-Amuah discloses a system for manufacturing a development architecture framework having a contact database (§ 562 discloses a contacts database).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system for assessing the risk of projects of Phelps et al. to include a contacts database as taught by Bowman-Amuah in order to have readily available a list of people to contact for information pertaining to the particular project.

As per claim 2, Phelps et al. further discloses “a user database containing user identification information” (§ 29 discloses a user database that contains identifying information for each user).

As per claim 3, the Phelps et al. and Bowman-Amuah combination discloses all of the elements of the claimed invention but fails to explicitly disclose “modifying the user identifying information”.

It would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system for assessing the risk of projects of the Phelps et al. and Bowman-Amuah combination to include modifying the user identifying

information because it is old and well known to modify entries in a database in order to make sure that stored information is accurate and up to date.

As per claim 4, the Phelps et al. and Bowman-Amuah combination discloses all of the elements of the claimed invention but fails to explicitly disclose "providing a client database containing client identification information".

It would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system for assessing the risk of projects of the Phelps et al. and Bowman-Amuah combination to include a client database because it is old and well known for businesses to store identifying information about their clients.

As per claim 5, the Phelps et al. and Bowman-Amuah combination discloses all of the elements of the claimed invention but fails to explicitly disclose "modifying the client identification information".

It would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system for assessing the risk of projects of the Phelps et al. and Bowman-Amuah combination to include modifying the client identifying information because it is old and well known to modify entries in a database in order to make sure that stored information is accurate and up to date.

As per claim 6, Phelps et al. further discloses "modifying the project" (§ 38 discloses a modify project data component allowing the user to modify data relating to a project).

As per claim 9, the Phelps et al. and Bowman-Amuah combination discloses all of the elements of the claimed invention but fails to explicitly disclose “modifying the question”.

It would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system for assessing the risk of projects of the Phelps et al. and Bowman-Amuah combination to include modifying the question because it is old and well known to modify entries in a database in order to make sure that stored information is accurate and up to date.

As per claim 12, Phelps et al. further discloses “modifying the risk” (§ 38 discloses a modify risk data component allowing the user to modify risk data).

As per claim 15, the Phelps et al. and Bowman-Amuah combination discloses all of the elements of the claimed invention but fails to explicitly disclose “modifying the contact”.

It would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system for assessing the risk of projects of the Phelps et al. and Bowman-Amuah combination to include modifying the contact because it is old and well known to modify entries in a database in order to make sure that stored information is accurate and up to date.

As per claim 19, Phelps et al. further discloses “creating a report using the information from the database” (§ 39 discloses generating a risk summary report).

9. Claims 7, 8, 10, 11, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phelps et al. in view of Bowman-Amuah and further in view of Tschiegg et al. (2005/0192963, hereinafter referred to as Tschiegg '05).

As per claim 7, the Phelps et al. and Bowman-Amuah combination discloses all of the elements of the claimed invention but fails to explicitly disclose "question database is organized according to disciplines".

Tschiegg '05 discloses a risk management information interface system and associated methods having a database with tables classifying risk categories (§ 37 discloses the database may be structured to classify any hazard within the system in a matrix of risk management classifications, where the classifications are different disciplines of risk).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system for assessing the risk of projects of the Phelps et al. and Bowman-Amuah combination to include the database organized according to disciplines as taught by Tschiegg '05 in order to facilitate user-configurable reporting of the risk assessment data.

As per claim 8, the Phelps et al. and Bowman-Amuah combination discloses all of the elements of the claimed invention but fails to explicitly disclose "the disciplines are civil, site development, environmental, geotechnical, and structural".

Tschiegg '05 discloses a risk management information interface system and associated methods having a database with tables classifying risk categories (§ 37 discloses the database may be structured to classify any hazard within the system in a

matrix of risk management classifications, where the classifications are different disciplines of risk).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system for assessing the risk of projects of the Phelps et al. and Bowman-Amuah combination to include the database organized according to disciplines as taught by Tschiegg '05 in order to facilitate user-configurable reporting of the risk assessment data.

Furthermore, the specific type of discipline is non-functional descriptive material as it relates to the present invention and, as such, is not given patentable weight.

As per claim 10, the Phelps et al. and Bowman-Amuah combination discloses all of the elements of the claimed invention but fails to explicitly disclose "risk database is organized according to disciplines".

Tschiegg '05 discloses a risk management information interface system and associated methods having a database with tables classifying risk categories (§ 37 discloses the database may be structured to classify any hazard within the system in a matrix of risk management classifications, where the classifications are different disciplines of risk).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system for assessing the risk of projects of the Phelps et al. and Bowman-Amuah combination to include the database organized according to disciplines as taught by Tschiegg '05 in order to facilitate user-configurable reporting of the risk assessment data.

As per claim 11, the Phelps et al. and Bowman-Amuah combination discloses all of the elements of the claimed invention but fails to explicitly disclose “the disciplines are civil, site development, environmental, geotechnical, and structural”.

Tschiegg '05 discloses a risk management information interface system and associated methods having a database with tables classifying risk categories (§ 37 discloses the database may be structured to classify any hazard within the system in a matrix of risk management classifications, where the classifications are different disciplines of risk).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system for assessing the risk of projects of the Phelps et al. and Bowman-Amuah combination to include the database organized according to disciplines as taught by Tschiegg '05 in order to facilitate user-configurable reporting of the risk assessment data.

Furthermore, the specific type of discipline is non-functional descriptive material as it relates to the present invention and, as such, is not given patentable weight.

As per claim 13, the Phelps et al. and Bowman-Amuah combination discloses all of the elements of the claimed invention but fails to explicitly disclose “contact database is organized according to disciplines”.

Tschiegg '05 discloses a risk management information interface system and associated methods having a database with tables classifying risk categories (§ 37 discloses the database may be structured to classify any hazard within the system in a

matrix of risk management classifications, where the classifications are different disciplines of risk).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system for assessing the risk of projects of the Phelps et al. and Bowman-Amuah combination to include the database organized according to disciplines as taught by Tschiegg '05 in order to facilitate user-configurable reporting of the risk assessment data.

As per claim 14, the Phelps et al. and Bowman-Amuah combination discloses all of the elements of the claimed invention but fails to explicitly disclose "the disciplines are civil, site development, environmental, geotechnical, and structural".

Tschiegg '05 discloses a risk management information interface system and associated methods having a database with tables classifying risk categories (§ 37 discloses the database may be structured to classify any hazard within the system in a matrix of risk management classifications, where the classifications are different disciplines of risk).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system for assessing the risk of projects of the Phelps et al. and Bowman-Amuah combination to include the database organized according to disciplines as taught by Tschiegg '05 in order to facilitate user-configurable reporting of the risk assessment data.

Furthermore, the specific type of discipline is non-functional descriptive material as it relates to the present invention and, as such, is not given patentable weight.

10. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Phelps et al. in view of Bowman-Amuah and further in view Barber et al. (2000).

As per claim 16, Phelps et al. discloses a risk assessment database (§ 29).

However, the Phelps et al. and Bowman-Amuah combination fails to explicitly disclose the database "comprising definitions about the question and the risk".

Barker et al. discloses creating a business risk inventory using a risk glossary that defines risks (pg. 48, col. 3, paragraph 3 and pg. 50 discloses a risk glossary having risk terms that are defined).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system for assessing the risk of projects of the Phelps et al. and Bowman-Amuah combination to include the risk glossary as taught by Barker et al. in order to ensure that users of the system have access to the risk terminology and definitions commonly used in the system.

11. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Phelps et al. in view of Bowman-Amuah and further in view of Chung et al. (2003/0167180).

As per claim 18, the Phelps et al. and Bowman-Amuah combination discloses all of the elements of the claimed invention but fails to explicitly disclose "providing an events database".

Chung et al. discloses a system and method for determining contract compliance having an events database (§ 36).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system for assessing the risk of projects of the Phelps et al. and Bowman-Amuah combination to include the event database as taught by Chung et al. in order to keep a record of all of the events that occur while using the system.

12. Claim 20, 31, and 48 are rejected under 35 U.S.C. 102(e) as being anticipated by Phelps et al. (2003/0088446).

As per claim 20, Phelps et al. discloses “A system for generating a risks assessment for a project, the system comprising:

a project database having a project” (§ 31 discloses a risk assessment database with a project table, where this is a project database).

“a risk database having a risk” (§ 31 discloses a risk assessment database with a risk data table, where this is a risk database);

“a first dialog mechanism allowing for the selection of the project” (Fig. 1, as best understood, is a dialog mechanism for selecting which project to complete the risk assessment on, where the selection of the project is done by inserting the project name ID#);

“a second dialog mechanism for answering the question” (Figs 3 and 4 disclose a dialog mechanism for answering questions for the risk assessment);

“an association engine for associating the risk with the answer; and a display for viewing the risk” (Fig. 5, discloses risks that are associated with the answers to the questions asked, where these risks are displayed via an interface).

Phelps et al., however, fails to explicitly disclose “a question database having a question relating to the project”.

It would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system for assessing the risk of projects of Phelps et al. to include a questions database in order to store the different questions that are asked that are associated with the risk data that is already stored in a database.

As per claim 31, Phelps et al. further discloses the system designed using software (paragraph 29 discloses risk assessment software).

As per claim 48, Phelps et al. discloses “A method for generating a risks assessment for a project, the system comprising:

creating a project database having at least one project” (§ 31 discloses a risk assessment database with a project table, where this is a project database).

“creating a risk database having a risk” (§ 31 discloses a risk assessment database with a risk data table, where this is a risk database);

“answering the question” (Figs 3 and 4 disclose answering questions for the risk assessment);

“determining a risk associated with the answer; and a display for viewing the risk” (Fig. 5, discloses risks that are associated with the answers to the questions asked, where these risks are displayed via an interface, and Fig. 7 discloses viewing the risk in the form of a risk report.).

Phelps et al., however, fails to explicitly disclose “a question database”.

It would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system for assessing the risk of projects of Phelps et al. to include a questions database in order to store the different questions that are asked that are associated with the risk data that is already stored in a database.

Phelps et al., also fails to explicitly disclose a risk ID and a question ID and storing the question ID and risk ID in the project database.

It would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system for assessing the risk of projects of Phelps et al. to include risk and question IDs in order easily identify the risk and/or question within the database.

13. Claims 21-27 and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phelps et al. in view of Tschiegg et al (2003/0160818, hereinafter referred to as Tschiegg '03).

As per claim 21, Phelps et al. discloses all of the elements of the claimed invention but fails to explicitly disclose "a graphical signal associated with the risk".

Tschiegg '03 discloses a risk management information interface system and associated method having a graphical signal associated with the risk (§ 87 discloses text that is associated with the risk status, where the text is a graphical signal and where the text associates a complete or an incomplete/active status with the risk).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system for assessing the risk of

projects of Phelps et al. to include the graphical signal associated with the risk in order allow the user to easily view information associated with the risk.

As per claim 22, Phelps et al. discloses all of the elements of the claimed invention but fails to explicitly disclose “where a completed risk is associated with the graphical signal”.

Tschiegg '03 discloses a risk management information interface system and associated method having a graphical signal associated with a completed risk (§ 87 discloses text that is associated with the risk status, where the text is a graphical signal and where the text associates a complete status with the risk).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system for assessing the risk of projects of Phelps et al. to include the graphical signal associated with the risk in order allow the user to easily view information associated with the risk.

As per claim 23, Phelps et al. discloses all of the elements of the claimed invention but fails to explicitly disclose “the graphical signal is a check mark”.

Tschiegg '03 discloses a risk management information interface system and associated method having a graphical signal associated with a completed risk (§ 87 discloses text that is associated with the risk status, where the text is a graphical signal and where the text associates a complete or an active status with the risk).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system for assessing the risk of

projects of Phelps et al. to include the graphical signal associated with the risk in order allow the user to easily view information associated with the risk.

Furthermore, the specific form or design of the graphical signal is non-functional descriptive material as it relates to the present invention and, as such, is not given patentable weight.

As per claim 24, Phelps et al. discloses all of the elements of the claimed invention but fails to explicitly disclose “the graphical signal is green”.

Tschiegg '03 discloses a risk management information interface system and associated method having a graphical signal associated with a completed risk (¶ 87 discloses text that is associated with the risk status, where the text is a graphical signal and where the text associates a complete status with the risk).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system for assessing the risk of projects of Phelps et al. to include the graphical signal associated with the risk in order allow the user to easily view information associated with the risk.

Furthermore, the specific form or design of the graphical signal is non-functional descriptive material as it relates to the present invention and, as such, is not given patentable weight.

As per claim 25, Phelps et al. discloses all of the elements of the claimed invention but fails to explicitly disclose “an incomplete risk is associated with the graphical signal”.

Tschiegg '03 discloses a risk management information interface system and associated method having a graphical signal associated with a completed risk (§ 87 discloses text that is associated with the risk status, where the text is a graphical signal and where the text associates an active status with the risk, and where an active status represents an incomplete status).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system for assessing the risk of projects of Phelps et al. to include the graphical signal associated with the risk in order allow the user to easily view information associated with the risk.

As per claim 26, Phelps et al. discloses all of the elements of the claimed invention but fails to explicitly disclose "the graphical signal is a triangle".

Tschiegg '03 discloses a risk management information interface system and associated method having a graphical signal associated with a completed risk (§ 87 discloses text that is associated with the risk status, where the text is a graphical signal and where the text associates an active status with the risk, and where an active status represents an incomplete status).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system for assessing the risk of projects of Phelps et al. to include the graphical signal associated with the risk in order allow the user to easily view information associated with the risk.

Furthermore, the specific form or design of the graphical signal is non-functional descriptive material as it relates to the present invention and, as such, is not given patentable weight.

As per claim 27, Phelps et al. discloses all of the elements of the claimed invention but fails to explicitly disclose “the graphical signal is yellow”.

Tschiegg '03 discloses a risk management information interface system and associated method having a graphical signal associated with a completed risk (§ 87 discloses text that is associated with the risk status, where the text is a graphical signal and where the text associates an active status with the risk, and where an active status represents an incomplete status).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system for assessing the risk of projects of Phelps et al. to include the graphical signal associated with the risk in order allow the user to easily view information associated with the risk.

Furthermore, the specific form or design of the graphical signal is non-functional descriptive material as it relates to the present invention and, as such, is not given patentable weight.

As per claim 29, Phelps et al. discloses risk questions (Fig. 3 and 4).

Phelps et al., however, fails to explicitly disclose “a URL associated with the question and linked to information related to the question”.

Tschiegg '03 discloses risk management information interface system and associated methods having a URL associated with the risk information and linked to

information related to the question (§ 23 discloses an internet link to information about a risk).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system for assessing the risk of projects of Phelps et al. to include the internet link as taught by Tschiegg '03 in order to provide easy access to risk related information.

As per claim 30, Phelps et al. discloses a risk database containing risk information (§ 31).

Phelps et al., however, fails to explicitly disclose “a URL associated with the question and linked to information related to the question”.

Tschiegg '03 discloses risk management information interface system and associated methods having a URL associated with the risk information and linked to information related to the risk (§ 23 discloses an internet link to information about a risk).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system for assessing the risk of projects of Phelps et al. to include the internet link as taught by Tschiegg '03 in order to provide easy access to risk related information.

14. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Phelps et al. in view of Tschiegg '03 and further in view of Tschiegg '05.

As per claim 28, the Phelps et al. and Tschiegg '03 combination further discloses a first graphical signal associated with a complete risk and a second graphical signal associated with an incomplete risk (Tschiegg et al. discloses separate graphical signals

for a complete and incomplete risk in paragraph 87, where the signal for a complete status is “complete” and the signal for an incomplete status is “active”).

The Phelps et al. and Tschiegg '03 combination, however, fails to explicitly disclose that the graphical signals are icons.

Tschiegg '05 discloses risk management information interface system and associated methods having graphical signals that are icons (Fig. 34 discloses onclick icons that, when clicked, displays hazard reports related to risks).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system for assessing the risk of projects of the Phelps et al. and Tschiegg '03 combination to include the icon as taught by Tschiegg '05 since such would easily navigate the user to risk related information.

15. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Phelps et al. in view of Bowman-Amuah and further in view of Leblanc et al. (6,675,127).

As per claim 32, Phelps discloses "A system for generating a risks assessment for a project, the system comprising:

“a project database having a project” (¶ 31 discloses a risk assessment database with a project table, where this is a project database),

“a risk database having a risk” (¶ 31 discloses a risk assessment database with a risk data table, where this is a project database);

“a first dialog box allowing for the selection of a project from the project database” (Fig. 1, as best understood, is a dialog mechanism for selecting which project

to complete the risk assessment on, where the selection of the project is done by inserting the project name ID#);

“a second dialog box for answering a question from the question database wherein the question relates to the selected project” (Figs 3 and 4 disclose a dialog mechanism for answering questions for the risk assessment);

“and a third dialog box for viewing the risk” (Fig 7. discloses a display page allowing a user to view a risk).

Phelps et al., however, fails to explicitly disclose “a question database having a question relating to the project”.

It would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system for assessing the risk of projects of Phelps et al. to include a questions database in order to store the different questions that are asked that are associated with the risk data that is already stored in a database.

Phelps et al. also fails to disclose “a contact database containing at least one contact”. Bowman-Amuah discloses a system for manufacturing a development architecture framework having a contact database (§ 562 discloses a contacts database).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system for assessing the risk of projects of Phelps et al. to include a contacts database as taught by Bowman-Amuah in order to have readily available a list of people to contact for information pertaining to the particular project.

The Phelps et al. and Bowman-Amuah combination discloses all of the elements of the claimed invention but fails to explicitly disclose “a processor for locating the risk from the risk database wherein the risk is related to the answer, and for locating the contact from the contact database wherein the contact is related to the risk”;

Leblanc et al. discloses systems and methods for managing project issues and risks having a processor for locating risk related information (abstract discloses a risk management module for searching risks).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system for assessing the risk of projects of the Phelps et al. and Bowman-Amuah combination to include the processor for locating risks as taught by Leblanc et al. in order facilitate the ease of use of the system.

16. Claims 33-35 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phelps et al. in view of Bowman-Amuah in view of Leblanc et al. and further in view of Tschiegg '03.

As per claim 33, The Phelps et al., Bowman-Amuah and Leblanc et al. combination discloses all of the elements of the claimed invention but fails to explicitly disclose "a graphical display associated with the risk".

Tschiegg '03 discloses a risk management information interface system and associated methods having a graphical display associated with the risk (§ 24 discloses generating a graphical display of a segment of risk management information).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system for assessing the risk of projects of the Phelps et al., Bowman-Amuah, and Leblanc et al. combination to include the graphical display associated with the risk as taught by Tschiegg '03 in order to allow the user to easily view information related to risks.

As per claim 34, The Phelps et al., Bowman-Amuah and Leblanc et al. combination discloses all of the elements of the claimed invention but fails to explicitly disclose "a completed risk and an uncompleted risk have different graphical displays".

It would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system for assessing the risk of projects of the Phelps et al., Bowman-Amuah, and Leblanc et al. combination to include the completed risk and uncompleted risk having different graphical displays in order to facilitate the mitigation of risks. For example, a user may want to view all of the completed risks on a separate interface so as not to confuse those completed/mitigated risks with risks that are still active in order ensure that all risks are mitigated properly.

As per claim 35, The Phelps et al., Bowman-Amuah and Leblanc et al. combination discloses all of the elements of the claimed invention but fails to explicitly disclose "the first graphical displays are in color".

Tschiegg '03 discloses a risk management information interface system and associated methods having graphical displays in color (§ 17 discloses color-coded graphic data).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system for assessing the risk of projects of the Phelps et al., Bowman-Amuah, and Leblanc et al. combination to include the color-coded graphic display as taught by Tschiegg '03 in order to add a design feature to the system. Examiner would like to remind applicant that adding color and/or design features to the invention is non-functional descriptive material as it relates to the present invention and, as such, is not given patentable weight.

As per claim 39, The Phelps et al., Bowman-Amuah and Leblanc et al. combination discloses all of the elements of the claimed invention but fails to explicitly disclose "contact information includes an email address".

Tschiegg '03 discloses a risk management information interface system and associated methods having contact information including an email address (abstract discloses notifying users via email, where the contact information for the users, inherently, includes an email address).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system for assessing the risk of projects of the Phelps et al. , Bowman-Amuah, and Leblanc et al. combination to include the email address as taught by Tschiegg '03 in order to facilitate the communication of all people involved in the risk management effort of the project.

17. Claims 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phelps et al. in view of Bowman-Amuah in view of Leblanc et al. and further in view of Tschiegg '05.

As per claim 36, the Phelps et al., Bowman-Amuah and Leblanc combination discloses all of the elements of the claimed invention but fails to explicitly disclose "risk database is organized according to disciplines".

Tschiegg '05 discloses a risk management information interface system and associated methods having a database with tables classifying risk categories (§ 37 discloses the database may be structured to classify any hazard within the system in a matrix of risk management classifications, where the classifications are different disciplines of risk).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system for assessing the risk of projects of the Phelps et al. and Bowman-Amuah combination to include the database organized according to disciplines as taught by Tschiegg '05 in order to facilitate user-configurable reporting of the risk assessment data.

As per claim 37, the Phelps et al., Bowman-Amuah, and Leblanc et al. combination discloses all of the elements of the claimed invention but fails to explicitly disclose "contact database is organized according to disciplines".

Tschiegg '05 discloses a risk management information interface system and associated methods having a database with tables classifying risk categories (§ 37 discloses the database may be structured to classify any hazard within the system in a matrix of risk management classifications, where the classifications are different disciplines of risk).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system for assessing the risk of projects of the Phelps et al. and Bowman-Amuah combination to include the database organized according to disciplines as taught by Tschiegg '05 in order to facilitate user-configurable reporting of the risk assessment data.

As per claim 38, the Phelps et al., Bowman-Amuah and Leblanc combination discloses all of the elements of the claimed invention but fails to explicitly disclose "risk is associated with disciplines".

Tschiegg '05 discloses a risk management information interface system and associated methods having a database with tables classifying risk categories (§ 37 discloses the database may be structured to classify any hazard within the system in a matrix of risk management classifications, where the classifications are different disciplines of risk and where classified risks are associated with a specific discipline).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system for assessing the risk of projects of the Phelps et al. and Bowman-Amuah combination to include the database organized according to disciplines as taught by Tschiegg '05 in order to facilitate user-configurable reporting of the risk assessment data.

18. Claims 40-42, 44, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phelps et al. in view of Bowman-Amuah in view of Leblanc et al. and further in view of Tschiegg '05.

As per claim 40, Phelps discloses "A system for generating a risks assessment for a project, the system comprising:

"a project database having a project" (§ 31 discloses a risk assessment database with a project table, where this is a project database),

"a risk database having a plurality of risks" (§ 31 discloses a risk assessment database with a risk data table, where this is a risk database);

"a first selection tool the selection of a project from the project database" (Fig. 1, is a tool for selecting which project to complete the risk assessment on, where the selection of the project is done by inserting the project name and ID#);

"a second selection tool allowing a question from the question database to be answered wherein the question relates to the selected project" (Figs 3 and 4 disclose a dialog mechanism for answering questions for the risk assessment);

Phelps et al., however, fails to explicitly disclose "a question database having a plurality of questions relating to the project".

It would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system for assessing the risk of projects of Phelps et al. to include a questions database in order to store the different questions that are asked that are associated with the risk data that is already stored in a database.

Phelps et al. also fails to disclose "a contact database having a plurality of contacts". Bowman-Amuah discloses a system for manufacturing a development architecture framework having a contact database (§ 562 discloses a contacts database).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system for assessing the risk of projects of Phelps et al. to include a contacts database as taught by Bowman-Amuah in order to have readily available a list of people to contact for information pertaining to the particular project.

The Phelps et al. and Bowman-Amuah combination discloses all of the elements of the claimed invention but fails to explicitly disclose “a database processor for locating the risk from the risk database wherein the risk is related to the answer, and for locating the contact from the contact database wherein the contact is related to the risk”;

Leblanc et al. discloses systems and methods for managing project issues and risks having a processor for locating risk related information (abstract discloses a risk management module for searching risks).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system for assessing the risk of projects of the Phelps et al. and Bowman-Amuah combination to include the processor for locating risks as taught by Leblanc et al. in order facilitate the ease of use of the system.

The Phelps et al., Bowman-Amuah, and Leblanc et al. combination discloses all of the elements of the claimed invention but fails to explicitly disclose “a graphical icon associated with the risk”.

Tschiegg '05 discloses risk management information interface system and associated methods having graphical signals that are icons (Fig. 34 discloses onclick icons that, when clicked, displays hazard reports related to risks).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system for assessing the risk of projects of the Phelps et al. and Tschiegg '03 combination to include the icon as taught by Tschiegg '05 since such would easily navigate the user to risk related information.

As per claims 41 and 42, the Phelps et al., Bowman-Amuah, and Leblanc et al. combination discloses all of the elements of the claimed invention but fails to explicitly disclose that the icon is "a design" and "colored". Examiner contends that the specific color or design of an icon is non-functional descriptive material as it relates to the present invention and as such, is not given patentable weight.

19. Claims 43-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phelps et al. in view of Bowman-Amuah in view of Leblanc et al. , view of Tschiegg '05, and further in view of Tschiegg '03.

As per claim 43, Tschiegg '05 discloses graphical icons associated with risks (Fig. 34 discloses onclick icons that, when clicked, displays hazard reports related to risks).

The Phelps et al., Bowman-Amuah, Leblanc et al., and Tschiegg '03 combination, however, fails to explicitly disclose "a completed risk is associated with a second icon".

Tschiegg '03 discloses a risk management information interface system and associated method having a graphical signal associated with a completed risk (§ 87 discloses text that is associated with the risk status, where the text is a graphical signal and where the text associates a complete status with the risk).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system for assessing the risk of projects of the Phelps et al., Bowman-Amuah, Leblanc et al., and Tschiegg '05 combination to include the graphical signal associated with the risk as taught by Tschiegg '03 in order allow the user to easily view information associated with the risk.

As per claims 44 and 45, the Phelps et al., Bowman-Amuah, and Leblanc et al., Tschiegg '05, and Tschiegg '03 combination discloses all of the elements of the claimed invention but fails to explicitly disclose that the icon is "a design" and "colored". Examiner contends that the specific color or design of an icon is non-functional descriptive material as it relates to the present invention and as such, is not given patentable weight.

As per claim 46, Phelps et al. further discloses "questions being answered" (Figs 3 and 4 disclose answering questions for the risk assessment).

The Phelps et al., Bowman-Amuah, Leblanc et al., and Tschiegg '05 combination, however, fails to explicitly disclose "the database processor generates an email upon the question being answered".

Tschiegg '03 discloses a risk management information interface system and associated method having an email generated (§ 12 discloses email is generated).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system for assessing the risk of projects of the Phelps et al., Bowman-Amuah, Leblanc et al., and Tschiegg '05 combination to include the email generation as taught by Tschiegg '03 in order to communicate the answered issues to parties that are involved in the risk management effort.

As per claim 47, The Phelps et al., Bowman-Amuah, Leblanc et al., and Tschiegg '05, and Tschiegg '03 combination discloses all of the elements of the claimed invention but fails to explicitly disclose "the email is directed to one of the plurality of contacts".

It would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system for assessing the risk of projects to include sending the email to the plurality of contacts because it is old and well known to send email notifications to all parties involved in a project in order to keep everyone updated.

20. Claims 49-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phelps et al. in view of Tschiegg '05.

As per claim 49, Phelps et al. discloses all of the elements of the claimed invention but fails to explicitly disclose "generating a graphical analysis tool associated with the risk".

Tschiegg '05 discloses a risk management information interface system having a graphical analysis tool (§ 29 discloses graphical displays of bar graphs or pie charts, of filtered risk management information, where bar graphs and charts are analysis tools).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system for assessing the risk of projects of Phelps et al. to include the graphical analysis tool as taught by Tschiegg '05 in order to graphically summarize the risk management information.

As per claim 50, Phelps et al. discloses all of the elements of the claimed invention but fails to explicitly disclose "statistical mapping of a completed risk and an uncompleted risk".

Tschiegg '05 discloses, as best understood, a risk management information interface system having statistical mapping (§ 29 comparative statistical calculation results).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system for assessing the risk of projects of Phelps et al. to include the statistical mapping as taught by Tschiegg '05 in order to statistically analyze the risk management information.

As per claim 51, Phelps et al. discloses all of the elements of the claimed invention but fails to explicitly disclose "risk database is organized according to technical professions".

Tschiegg '05 discloses a risk management information interface system having a graphical analysis tool (§ 38 discloses organizing the database according to industry-specific categories, where these categories are technical professions).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system for assessing the risk of

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projects of Phelps et al. to include the database organized according to technical professions as taught by Tschiegg '05 in order to enable users to easily identify specific risk information in the database.

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chaloux (2003/0065641) discloses systems and methods for acquiring information associated with an organization having a question database. Higgins et al. (6,397,202) discloses a system and method for monitoring risk in a system development program.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CANDICE D. CARTER whose telephone number is (571) 270-5105. The examiner can normally be reached on Monday thru Thursday 7:30am- 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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CDC

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